

IN RE: APPEAL OF FELIPE W. LEON RELATIVE TO A PROPERTY LOCATED AT 550 SOUTH 16-1/2 STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2019-14 : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION :
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**DECISION OF THE ZONING HEARING
 BOARD OF THE CITY OF READING**

AND NOW, this 10th day of July, 2019, a hearing having been held on June 12, 2019, on the application of Felipe W. Leon, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Felipe W. Leon, an adult individual residing at 550 S. 16-1/2 Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property known as 550 S. 16-1/2 Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant seeks a variance to allow an existing roof over a wooden deck and a special exception to allow an existing enclosed front porch at the Subject Property. Zoning

Ordinance Sections 600-406, 600-804, 600-909.D. and 600-1201.

5. The Board finds Applicant received a zoning permit (Zoning Permit #2018-554, 1/17/2019) to construct a fence at the Subject Property but the application for the covered deck (Zoning Permit #2018-555) was denied because it exceeded the maximum building and impervious coverage for the lot.

6. The Board finds Applicant was informed at a One Stop Meeting on April 4, 2019, that he needed to seek special exception relief in order to enclose the front porch and a variance was required for the deck to remain covered by a roof.

7. There is no hardship at the Subject Property.

8. The Board finds as a fact that the proposed use will be a detriment to the health, safety and welfare of the neighborhood due to potential safety issues and aesthetic issues.

9. The Board finds as a fact the proposed use is not the minimum deviation from the strict terms of the Zoning Ordinance necessary to afford relief at the Subject Property because the Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.

10. The Board finds as a fact the Subject Property does not have unique physical conditions or circumstances which render it incapable of being used within the strict terms of the Zoning Ordinance.

11. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks a variance to allow for a roof over a wooden deck and a special exception for an enclosed front porch at the Subject Property. The Board finds that the proposed use is too intense for the area and will be a detriment to the health, safety and welfare of the neighborhood. In addition, the Board finds that the Subject Property is not unique and this is not

the minimum variance which would be required to afford relief to use the Subject Property because the Subject Property can be used in accordance with the strict terms of the Ordinance.

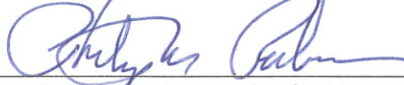
CONCLUSIONS OF LAW

1. Applicant is Felipe W. Leon.
2. The Subject Property is located at 550 S. 16-1/2 Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Zoning District.
4. Applicant seeks relief from the relevant sections of the Zoning Ordinance to allow a roof which has been constructed over a wooden deck and an enclosed porch which has been constructed at the Subject Property.
5. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions as set forth in the relevant sections of the Zoning Ordinance.
6. The Zoning Board concludes as a matter of law the following:
 - a. The Subject Property can be used within the strict terms of the Zoning Ordinance.
 - b. The proposed roof would alter the essential character of the neighborhood and would be detrimental to the health, safety and welfare of the neighborhood.
 - c. The proposed enclosed front porch would alter the essential character of the neighborhood and would be detrimental to the health, safety and welfare of the neighborhood.
 - d. There are no unique physical circumstances and no unnecessary hardship at the Subject Property to require the grant of the requested variance and special exception.
7. Based upon all the findings of fact and conclusions of law set forth herein, the

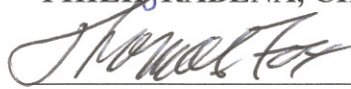
Zoning Hearing Board hereby denies the requested relief and Applicant shall remove the roof over the wooden deck and remove the front porch enclosure.

The decision of this Board is by a vote of 4 to 0.

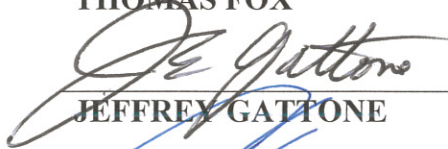
ZONING HEARING BOARD OF THE
CITY OF READING



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



JARED BARCZ